



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, JUNE 01, 2010

MINUTES

CALL TO ORDER

Mayor Maso called the meeting to order at 5:30 p.m. and announced that all members were present representing a quorum.

1. ROLL CALL

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistants to the City Manager, Ben Brezina, John Eaglen and Daniel Ford; Director of Development Services, John Lettelleir; Director of Engineering Services, Paul Knippel; Library Services Director, Shelley Holley; Director of Financial Services, Anita Cothran; Director of Administrative Services, Tom Johnston; Youth Services Manager, Mayra Diaz; Municipal Court Judge, Michael Drewry; Parks & Recreation Director, Rick Wieland; City Attorney Richard Abernathy; and City Secretary, Jenny Page.

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

Bob Allen moved to Recess into Closed Session in compliance with Section

551.001 et. seq. Texas Government Code, to wit;. at 5:36 p.m. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice regarding petition filed by voters concerning the Arts Hall.
 - ii. Receive legal advice regarding EEOC Charge No. 846-2008-57107.
 - iii. Receive legal advice regarding the summary judgment granted the Plaintiff in Cause No. 2009-20183-158; Al Gibson, Contestant and Plaintiff vs. Mary Horn, Hugh Coleman, Ron Marchant, Bobbie J. Mitchell and Andy Eads, In Their Capacities as Denton County Judge and Commissioners of Denton County, Contestees and Defendants/Eric D. Stanley, Contestee Intervenor; In the 158th Judicial District Court of Denton County, Texas.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - C. Section 551.074. Personnel Matters: Section 551.074 authorizes certain deliberations about officers and employees of the governmental body to be held in executive session:
 - i. Deliberate regarding EEOC Charge No. 846-2008-57107.
 - D. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

David Prince moved to Reconvene into Regular Session. Jeff Cheney seconded the motion.

Passed

Vote: 5 - 0

For: Scott Johnson, Jeff Cheney, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session and noted for the record that Bart Crowder had left

at 6:20 p.m. to attend his daughter's graduation ceremony and would return later.

INVOCATION

David Prince led the invocation.

PLEDGE OF ALLEGIANCE

Bob Allen led the audience in the United States and Texas Pledge of Allegiance.

PROCLAMATIONS

4. Summer Reading Program (LIB)

Myra Diaz accepted a Proclamation from Governor Perry recognizing the Frisco Summer Reading Program.

5. Presentation of the Texas Municipal Courts Education Center 2010 Municipal Traffic Safety Award

Mayor announced the presentation of the Texas Municipal Courts Education Center 2010 Municipal Traffic Safety Award to the Frisco Municipal Court.

Judge Michael Drewry accepted the award on behalf of the Municipal Court staff and Frisco Police Department.

Mayor Maso moved on to Citizen Input due to the time being after 7:30 p.m.

REPORTS

6. Parks and Recreation Monthly Report regarding Park and Trail Development, Facilities, Special Events and Youth Development.

Parks & Recreation Director, Rick Wieland, presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

7. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects

Engineering Services Director, Paul Knippel presented the Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

8. Library report on usage and programming activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

Ron Patterson reported that the Parking Garage is moving forward and greatly affects the Library parking.

Mayor Maso moved to the Consent Agenda.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

Fran Wilson, 4162 Peace Dr., Frisco, and member of We Are Frisco.org, rebutted reports of malice and intimidation at the Heritage Lakes voting location during the General Election.

Paul Vasinda, 7109 Boulder Way, Frisco, asked for an answer in regard to an additional entrance into Chappell Creek Subdivision.

Mayor Maso moved back to Reports.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bart Crowder joined the meeting during the Report section.

Jeff Cheney moved to approve the Consent Agenda. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

9. Consider and act upon approval of the Minutes from the May 18, 2010 Regular City Council Meeting (CSO/JP)
10. Adoption of a Resolution approving the cost estimate provided by the Collin County Elections Administrator for the June 12, 2010 Runoff Election (CSO/JP) 10-06-77R
11. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Master Agreement between the City of Frisco and Specialty Land Services, LLC. for on-call acquisition of property for easements and rights-of-way (Engineering/EDM) 10-06-78R

12. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and J&T Excavating for FM 2934 Turn Lanes. (Engineering/JB)
13. Consider and act upon authorization for the City Manager to execute Change Order No. 6 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Mario Sinacola and Sons, Excavating, Inc. for the construction of Independence Parkway (State Highway 121 to Main Street (FM 3537)). (Engineering/TF)
14. Consider and act upon award of bid to Estrada Concrete Company, LLC and act upon a Resolution authorizing the City Manager to execute the Construction Contract for the FM 2934 (Eldorado Parkway) Pedestrian Improvements (FM 423 to Dallas Parkway), Bid No. 1004 041 (Engineering/AH) 10-06-79R
15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Three to the Professional Services Agreement by and between the City of Frisco and Kimley-Horn and Associates, Inc. for Additional Design Phase Services related to the Design, Bid Package Preparation and Construction Administration Services for the 2.5 million gallon Downtown Elevated Tank, 2.0 million gallon West Elevated Tank, and the Preston Road 24-inch Water Transmission Line. (Engineering/AH) 10-06-80R
16. Consider and act upon authorization for the City Manager to execute Change Order Number Three to the AIA Standard Form Agreement, document A101-2007, for Construction Services by and between the City of Frisco and McCarthy Building Services, Inc., for Construction Services for the Frisco Municipal Center Parking Garage. (Engineering/BB)
17. Consider and act upon a resolution authorizing the City Manager to execute an amendment to the professional services agreement by and between the City of Frisco and Southwest Geoscience for oversight and project management for the completion of the closure of the Stewart Creek wastewater treatment plant. (Public Works/GH) 10-06-81R
18. Consider and act on a resolution authorizing the City Manager to execute the Non-Exclusive Trademark License Agreement between the City of Frisco, Texas and TWH Collectibles, Inc. to build and sell replicas of the Frisco Fire Department Pierce Velocity HAL. (Fire Department) 10-06-82R
19. Consider and act upon a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco, Texas and Cellco Partnership, d/b/a Verizon Wireless for the installation, maintenance and operation by Verizon Wireless of an in-building coverage system for use with Verizon

Wireless Service pursuant to the agreement. (Fire/MB) 10-06-83R

20. Consider and act upon authorization for the City Manager and Chief of Police to execute a Memorandum of Understanding and Interlocal Agreement between Collin County Sheriff's Office, City of Plano, City of McKinney, and City of Frisco regarding the BJA FY 2010 Byrne Justice Assistance Grant (JAG) program and formula award. (Police/GW)
21. Consider and act upon approval of a purchase order to Sigma Solutions, Inc., to renew yearly maintenance and support services with the City's primary data storage vendor, NetApp, through the State of Texas Department of Information Resources (DIR) contract. (IT/TJ)
22. Consider and act upon approval of a purchase order increase to GST Public Safety Supply, LLC for the purchase of additional firefighter uniforms during the fiscal year 2010. (Fire/TJ)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

23. Consider and act upon adoption of an Ordinance amending the Comprehensive Zoning Ordinance Article I, Section 11, pertaining to Changes and Amendments to all Zoning Districts and Administrative Procedures. ZA10-0004. (Development Services/MW) 10-06-29

Bob Allen moved to approve an Ordinance amending the Comprehensive Zoning Ordinance Article I, Section 11, pertaining to Changes and Amendments to all Zoning Districts and Administrative Procedures. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

REGULAR AGENDA

24. Consider and act upon presentation of petition from registered voters hereby petitioning the City of Frisco to submit to the voters a referendum to revoke the authorization to sell the remaining \$16.4 million in bonds for the Arts of Collin County, such referendum to be on the ballot at the general election on November 2, 2010.

City Attorney, Richard Abernathy, gave an explanation of the difference between Initiative, Referendum, and voluntary submission of legislation by the Council. Mr. Abernathy gave his opinion of the validity of the petition as it related to Referendum or Initiative, by stating that he felt that it failed in regard to either a Referendum or Initiative, and did not have an Ordinance or Resolution attached as required by the Charter. Mr. Abernathy advised Council that although this item was on the Agenda as an action item, the petition was non-binding; Council could not voluntarily call an election until August anyway, so no action was needed tonight.

City Secretary, Jenny Page, presented a Certification of Signatures stating that 1084 signatures on the petition were verified as qualified or registered voters.

Citizens that spoke in opposition to the acceptance of the petition:

Paul Vasinda, 7109 Boulder Way, Frisco
Ken Pardue, 11540 Valverde Lane, Frisco
Andy Stylianou, 5599 Widgeon Way, Frisco

Citizens that were in opposition to the acceptance of the petition that did not speak:

Mike Simpson, 5617 Widgen Way, Frisco
Yvonne Halvachs, 1851 Rio Blanco Drive, Frisco
William J. Hayes, 9413 Prestmont Place, Frisco
Curtis Wade, 11700 Lebanon Road, #1016, Frisco
Cheryl Holmes, 9 Cypress Point Court, Frisco
Gay Hensler, 13 Cypress Point Court, Frisco
Linda Pardue, 11540 Valverde Lane, Frisco
Karen Collins, 10417 Belfort, Frisco
June Ferbstein, 1641 Crockett Drive, Frisco
Robert Ferrier, 1641 Crockett Drive, Frisco
Craig Sundell, 400 Montclair Drive, Allen Texas 75013
Gerald C. Perrin, 5312 Promise Land, Frisco
Bob & Liz Deputy, 4 Canyon Crest Court, Frisco
Connie Mongan, 4804 Cypress Point, Frisco
Betty Bell Muns, 5508 St. Andrews Court, Plano TX 75093
Sue Minyard, 6 Innisbrook Ct, Frisco
Jim Minyard, 6 Innisbrook Ct, Frisco
Mary Ann Artiles, 10905 Amelina Lane, Frisco
Clark Lund, 5536 Southern Hills Drive, Frisco
Ernie Eggleston, 9171 Williams Place, Frisco
Tracie Shipman, 10141 Calvery Ct, Frisco
Jose Artiles, 10905 Amelina Lane, Frisco
David G. Hannam, 2051 Spindletop Trail, Frisco
Janet Hannam, 2051 Spindletop Trail, Frisco
Pat Reinhart, 9100 Berkshire Drive, Frisco

Frances Justus, 9002 Bison Trail, Frisco
John Classe, 14688 Ballentrae Drive, Frisco
Sharon Weinberg, 8319 Fair Oaks, Frisco
Janice Berg, 7111 Maumee Valley Court, Frisco
J.B. Owen, 10675 Watercress, Frisco
Jo Hooper, 7775 Maple Street, Frisco
Terri Green, 10800 Belle Chasse, Frisco
Charles Graffam, 1970 Nighthawk Drive, Frisco
Dr. Jim Joyner, 9950 Little Horn Drive, Frisco
Lianne Friedel, 867 Burnswick Isles, Frisco
Peter Krause, 3612 Wyeth Drive, Plano Texas 75023
Michael Horn, 5071 Buena Vista Drive, Frisco
Jane Stewart, 1592 Bowie Lane, Frisco
Sarah Baden, 11936 Shoal Creek Drive, Frisco
Valorie Russell, 2428 Merrimac Drive, Frisco
Phillip Hunt, & Erica Hunt, 4 Champions Court, Frisco
Sotirios Tsongas, 7200 Fieldstone, Frisco
Jan Henning, 5415 Stone Canyon Drive, Frisco
Jennifer Wheeler, 3745 Charter Drive, Frisco
Ashley Mergen, Widgeon Way, Frisco
Jerry Edwards, 14598 Holly Leaf, Frisco
Glynis Chester, 14507 Pensham Drive, Frisco
Matthew Herrera, 10213 Max Lane, Frisco
Sandy Simpson, 5617 Widgeon Way, Frisco
Rael Maso, 15096 Mountain View Lane, Frisco
Justine Sweeney, 6954 Redcreek Trail, Frisco
Rhonda Martin, 5305 Spicewood Lane, Frisco
Bruce Vanderlind, 5305 Spicewood Lane, Frisco
Sam Roach, 9245 Panther Creek Parkway, Frisco
Carolyn Kresek Lis, 15634 Brookwood Drive, Frisco
Toni Nolan, 5318 Cattail Ct, Frisco
Debbie Gillespie, 6236 Chamberlyne Drive, Frisco
Will Russell, 2428 Merrimac Drive, Frisco
Hal Deatherage, 12596 Cajun Drive, Frisco
Richard Silverston, 5325 Quail Run, Frisco
Donna M. Gidick, 4782 White Bluff Drive, Frisco
Angie Porter, 5653 Widgeon Way, Frisco
Beverly Jacob, 5527 Widgeon Way, Frisco
Karen Silverston, 5325 Quail Run, Frisco
Ken Couvillion, 6 Riva Ridge, Frisco
Brigid Lund, 5536 Southern Hills Drive,
Gerald Holdridge, 8400 Hickory Street, #4501, Frisco
Richard C. Guarino, 7727 Maple Street, Frisco
Robert Fay, 1 Greene Ct, Frisco
John O' Hearn, 11912 Auburn Lane, Frisco
Donald W. McIver Sr., 5778 Blazing Star Road, Frisco

Trudy Grimmer, 4664 Biltmoore Drive, Frisco
Robert Grimmer, 4664 Biltmoore Drive, Frisco
Faye J. Shuyler, 10420 Big Horn Trail, Frisco
Lynn R. Shuyler, 10420 Big Horn Trail, Frisco
Phil Ramirez, 14663 Pensham, Frisco
Cris Francis, 5584 Southern Hills Drive, Frisco
Amy Deatherage, 12596 Cajun Drive, Frisco
Richard Quigley, 8021 Flagstone, Frisco

Citizens that spoke in favor of acceptance of the petition:

Fran Wilson, 4162 Peace Drive, Frisco
Toni Fabry, 4992 Airport Drive, Frisco, member of the petitioner team, favor
BJ Bjorkland, 5418 Travis Drive, Frisco
AC "Toby" Richesin, 603 Pine Hills Drive, Frisco
Lori Medina, 4308 Shamrock Road, Frisco
Dody Brigadier, 5633 Lake Shore Drive, Frisco

Citizens that were in favor of acceptance of the petition but did not speak:

Dennis Scharp, 5416 Promise Land Drive, Frisco
Dick Abernethy, 7422 St. Petersburg Drive, Frisco
Vicki Demas, 5809 Belle Chasse Lane, Frisco
Stephen Demas, 5809 Belle Chasse Lane, Frisco
Jean Swan, 5321 Promise Land Drive, Frisco
Paul W. McGahen, 7353 St. Petersburg Drive, Frisco
Nancy L. McGahen, 7353 St. Petersburg Drive, Frisco
John Cavalier, 3090 Bainbridge Lane, Frisco
MaryEllen Cavalier, 3090 Bainbridge Lane, Frisco
Christine Cavalier, 3090 Bainbridge Lane, Frisco
Judith Cavalier, 3090 Bainbridge Lane, Frisco
Jean McIver, 5778 Blazing Star Road, Frisco
H.A. Gibson, 7570 Angel Trace Trail, Frisco
Brooke Stephens, 4497 Liam Drive, Frisco
Joan Stephens, 4497 Liam Drive, Frisco
R Woffe, Frisco

Mayor Maso asked Executive Director of the Arts of Collin County and former Mayor, Mike Simpson, if he wished to speak. Mr. Simpson commented that there would be other opportunities to speak in the future and would not comment at this time.

No action was taken.

25. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to

Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

There were no appeals.

Bob Allen moved to Recess to Executive Session at 8:41 p.m. to finish business in regard to LGC Section 551.071, 551.072, 551.074, and 551.087. Pat Fallon seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Pat Fallon moved to Reconvene into Regular Session at 9:43 p.m. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Mayor Maso announced that there was no action to take in regard to Closed Session.

26. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

There were no items.

27. Discussion on Governance Monitoring of present City Council Meeting.

Council member Johnson gave Council an A.

ADJOURN

Jeff Cheney moved to Adjourn at 9:44 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting. Approved/signed minutes are available at <http://sire.friscotexas.gov/sirepub/docs.aspx> .)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary